

November 26, 2003



Marlene H. Dortch  
Secretary  
Federal Communications Commission  
TW-A325  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Notice of *Ex parte* Presentation  
Docket No. WT 03-66

Dear Ms. Dortch:

On November 25, 2003, Harold Feld, Associate Director, Media Access Project, met with Julius P. Knapp, Deputy Chief, OET, regarding the above captioned docket.

Mr. Feld presented the same talking points filed during previous *ex parte* presentations in this docket. *See, e.g.*, Notice of Oral *Ex Parte* Presentation to Sam Fedder, November 19, 2003. Mr. Knapp asked two questions: If the FCC reclaimed 90 MHz of spectrum, would sufficient space within the band remain to relocate the displaced licensees? On the other hand, if the FCC authorized an underlay, how could the FCC ensure that unlicensed devices would not interfere with low power point-to-point transmissions by licensees?

Mr. Feld replied that licensees were not entitled to keep 6 MHz of spectrum in their new locations. Rather, under FCC precedent, all they are entitled to keep is identical throughput. Here, they will still have superior throughput at the end of the day. As to the second question, Mr. Feld stated that incorporating an underlay in this proceeding, in which the Commission was establishing new service rules, would ensure that equipment manufacturers would build sufficiently robust equipment for licensees that interference would not be an issue.

Sincerely,

/s/

Andrew Jay Schwartzman  
President and CEO

cc. Julius P. Knapp